

BOIES SCHILLER FLEXNER LLP  
RICHARD J. POCKER, ESQ.  
Nevada Bar No. 3568  
300 South Fourth Street, Suite 800  
Las Vegas, Nevada 89101  
Telephone (702) 382-7300

Attorney for Defendant  
YIU SING LEUNG

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No.: 2:20-cr-00301-RFB-BNW
	)	
v.	)	<b>STIPULATION TO CONTINUE</b>
	)	<b>SENTENCING HEARING</b>
YIU SING LEUNG,	)	<b>(Tenth Request)</b>
	)	
Defendant.	)	
	)	

---

IT IS HEREBY STIPULATED AND AGREED by and between Jason Frierson, Esq. United States Attorney, and Jacob Operskalski, Esq., Assistant United States Attorney, counsel for the UNITED STATES OF AMERICA (hereinafter, "the Government"), and Richard J. Pocker, Esq. of the law firm of Boies Schiller Flexner LLP, counsel for Defendant YIU SING LEUNG, that the sentencing hearing in the above-captioned matter, currently scheduled for August 14, 2023 at the hour of 11:30 a.m., be vacated and continued for at least ninety (90) days.

This Stipulation is entered for the following reasons:

1. Defendant LEUNG entered his plea of guilty to Count I of the Indictment in the present case on May 4, 2021. Sentencing as to Defendant LEUNG is presently scheduled for August 14, 2023 at the hour of 11:30 a.m. The Presentence Investigation Report was

1 completed and served by U.S. Probation Officer Leo Sanchez on June 25, 2021. That Report  
2 has not been subsequently modified. Defendant LEUNG filed his Sentencing Memorandum on  
3 April 17, 2023.

4 2. Defendant LEUNG and his counsel require additional time to prepare for the  
5 sentencing hearing, including time to evaluate and address the contents of the Presentence  
6 Investigation Report in light of ongoing developments, complete arrangements for the  
7 presentation of evidence and testimony in extenuation and mitigation, have discussions with the  
8 Government regarding the appropriate sentencing calculations, and to potentially amend or  
9 supplement his Sentencing Memorandum to assist the Court in determining the best sentence  
10 for Defendant LEUNG. Both of Defendant LEUNG's co-defendants who were expected to  
11 stand trial during September 2022, have now entered pleas of guilty, and have both been  
12 sentenced in 2023. The resolution of the co-defendants' cases altered the considerations which  
13 will be central to Defendant LEUNG's sentencing, and preparation for that hearing will require  
14 a different focus. A ninety day postponement of the sentencing hearing will facilitate  
15 Defendant LEUNG's preparation for that hearing, and the Government does not object to  
16 Defendant LEUNG's request, as it is willing to have further discussions with defense counsel  
17 regarding "safety valve" considerations, and other important considerations relevant to  
18 sentencing.

19 3. In addition to the foregoing considerations, undersigned counsel for Defendant  
20 LEUNG served as trial counsel for the Defendant in United States of America v. Caleb  
21 Mitchell Rogers, Case Number 2:22-cr-00064-APG-EJY, which was tried in the United States  
22 District Court between July 10 and July 14, 2023. The post trial activities in the Rogers matter  
23 is still in progress. The trial and counsel's preparation for it had a significant impact on  
24 counsel's availability to attend to matters in other cases, including the present case.

25 4. Defendant LEUNG is presently free on pretrial release pending his sentencing,  
26 and does not object to the requested continuance. He is determined to ensure that the Court has  
27 all relevant and available helpful information or advocacy on his behalf before the sentencing.  
28 Denial of this request would be a miscarriage of justice given Defendant LEUNG's right to

adequately prepare for his sentencing hearing and to have the Court consider all relevant information about his conduct, including that which is ongoing.

5. This is the tenth request to continue Defendant LEUNG's sentencing hearing.

DATED this 9<sup>th</sup> day of August, 2023.

BOIES SCHILLER FLEXNER LLP

JASON FRIERSON

United States Attorney

By: s/ Richard J. Pocker  
RICHARD J. POCKER, ESQ.  
Counsel for Yiu Sing Leung

By: s/ Jacob Operskalski  
JACOB OPERSKALSKI  
Assistant United States Attorney

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

YIU SING LEUNG,

Defendant.

Case No.: 2:20-cr-00301-RFB-BNW

**ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS HEREBY ORDERED**, that the sentencing hearing in the above-captioned matter, currently scheduled for August 14, 2023, at the hour of 11:30 a.m., be vacated and continued to November 9, 2023 at 9:00 a.m.

Dated: 8/9/2023



UNITED STATES DISTRICT JUDGE